

- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit

Plaintiffs: Dennis Gene Pauley

Defendants: Mike Clifford, Prosecutor, David L. Tucker Sheriff,
Loretta Simmons Gendee,
Kevin Wayne Gendee,

2. Court (if federal court, name the district; if state court, name the county):

Kanawha County Circuit Court, Charleston, W. Va.

3. Docket Number: 02-C-2343

4. Name of judge to whom case was assigned: _____

Judge Jennifer Bailey Walker

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

Dismissed in error of law

6. Approximate date of filing lawsuit: 09/12/02

7. Approximate date of disposition: 14/1/03

II. Place of Present Confinement: Mount Olive Correctional Complex, Mt. Olive, W. Va.

A. Is there a prisoner grievance procedure in this institution?

Yes xxx No

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

(Not a Grievable Issue)
Yes No

C. If your answer is YES:

1. What steps did you take? I wrote letters to the Sherrif, and Prosecutor
For actions to be taken against the theft and damage to my property.

2. What was the result? Blaiterly ignored, to be violation of equal
protection of my property.

D. If your answer is NO, explain why not:

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: Dennis Gene Pauley

Address: Box 5 , 1 Mountainside Way, Mt. Olive, W. Va. 25185

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions,

and places of employment of any additional defendants.)

- B. Defendant Mike Clifford
is employed as Kanawha County Prosecutor,
at 111 Court Street, Charleston, W. V. 25301
- C. Additional Defendants: Sheriff David Tucker, 409 Virginia Street E.
Charleston, W. V. 25301—Loretta Simmons and Kevin Wayne Candee, 648
Jordan Creek rd., Elk View, W. Va. 25071

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheet if necessary.)

1. The Prosecuting Attorney Mike Clifford, denied equal protection of law to my home
and property, after it was vandilised and theft occurred, because I am in state prison
 2. The Sherriif David Tucker, failed to act on theft of property and vandilism because
I am in the state Prison, both he and the Prosecutor has caused injury to myself and property
 3. Loretta Simmons Candee and Kevin Wayne Candee, stold personal property out of my
home, and vandilised it causing damage, while I was in state prison.
- This has been cause to deny me that of which is afforded all other citizens of the
state of west Virginia, even if I am in prison, to equal protection of my personal
property, in the county I live in, and to my personal home. Ive been denied my
5th, 6th, 8th and 14th amndment rights gaurenteed by both state and federal law

(See ATTACHED 4-A)

The Prosicutor Mike Clifford and the Sherrif David L. Tucker clearly failed to uphold their sworn duty, while acting under the color of law, by refusing to act on the theft and vandilism done to my hone and personal property in the county of Kanawha, of which I was a tax paying citizen of, prior to my incarceration, as well as the fact I own my hone in Kanawha county, that I have put in my daughters' name. Mrs. Gandee was allowed to live ther, not steal nor destroy my property with her new husband. Further I had given no premission for Mr. Gandee to set foot on my property, only her and my daughter were to live there.

The refusal to take action by the Prosicuter and Sherrif clearly shows and demonstrates a discrimination against myself for the fact I am in prison, they chose to not protect my property, and turn their back on the theft and distruction of my property. This is clearly against the oath sworn to protect all citizens and their property in Kanawha county.

Both are suied in their individual copacity, in that it is clear by their actions it was a personal refusal to protect my property, by both the Prosicuter and the Sherrif and in contrast to law.

V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

WHEREFORE: Petitioner humbly Pray the Honorable Court, hear my complaint, that was
Denied in State Court in error of law, using erroneous statute to dismiss. (2) That the
defendants pay all court cost, and that incurred to date by plaintiff, (3) That MY PROPERTY
be recovered, and the value of it payed, if not recovered as I left it, that damages be
paid for damages to my home,, (4) That damages be paid for the injury caused to myself
as the result of the defendants'

Signed this 12 day of April, ²⁰~~10~~ 03.

Pernice B. Paulsey

Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Apr. 22, 2003
(Date)

Dennis S. Pauley
Signature of Movant/Plaintiff

Sheila Hosey
Signature of Attorney
(If any)



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

Dennis Gene Pauley

v

Mike Clifford, Prosecutor,
David L. Tucker, Sherrif,
Loretta Simmons Gandee
Kevin Wayne Gandee

PLAINTIFF'S EXHIBITS

ONE THROUGH FOUR

MARKED AT TOP LEFT OF PAGE ONE OF EACH

EXHIBIT (1)

**CIRCUIT COURT OF KANAWHA COUNTY
WEST VIRGINIA**

Dennis Gene Pauley,)	
)	
Plaintiff)	
)	
v.)	CIVIL ACTION NO. _____
)	
Mike Clifford, Prosecutor,)	42 U.S.C. § 1983
David L Tucker, Sherrif,)	
Liretta Simmons Gandee,)	
Kevin Wayne Gandee,)	
Defendant(s))	

COMPLAINT

JURISDICTION:

42 U.S.C. § 1983. State courts have jurisdiction to hear claims based on federal civil rights statutes and must apply federal law in doing so. Howlett v. Rose, 496 U.S. at 375-78 (state immunity rules do not apply in state court § 1983 action); Felder v. Casey, 487 U.S. 131, 151, 108 S. Ct. 2302 (1988) (state notice of claim requirement does not apply in state court § 1983 actions). "Virtually every state has expressly or by implication opened its courts to § 1983 actions and there are no state court systems that refuse to hear § 1983 actions." Howlett v. Rose, 496 U.S. 356, 378 n. 20, 110 S. Ct. 2430 (1990).

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes _____ 1. No XXX

- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. Court (if federal court, name the district; if state court, name the county):

3. Docket Number: _____

4. Name of judge to whom case was assigned:

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

II. Place of Present Confinement:

Mount Olive Correctional Complex
One Mountainside Way
Mount Olive, West Virginia 25185-0001

Telephone: (304) 442-7213

A. Is there a prisoner grievance procedure in this institution?

Yes ✓ No _____

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? "Not a Prison Issue"

Yes _____ No _____

C. If your answer is YES:

1. What steps did you take? _____

2. What was the result? _____
- D. If your answer is NO, explain why not: _____

III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

- A. Name of Plaintiff: Dennis Gene Pauley
(Full Name)

Plaintiff, Pro se
Mount Olive Correctional Complex
One Mountainside Way
Mount Olive, West Virginia 25185-0001

Telephone: (304) 442-7213

- B. Additional Plaintiffs and Address: _____

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

- C. Defendant C Does Not Exist".....
is employed as _____
at Mount Olive Correctional Complex, One Mountainside Way, Mount
Olive, West Virginia, 25185-0001.

- D. Defendant Mike Clifford
is employed as Prosecutor of Kanawha County

at 111 Court Street, Charleston, W. Va. 25301

E. Defendant David L. Tucker

is employed as Sheriff of Kanawha County

at 409 Verginia Street, East, Charleston, W. Va. 25301

F. Defendant Loretta Simmons Gandee

is employed as Housewife

at 648 Jordan Creek Road, Elk View, W. Va. 25071

G. Defendant Kevin Wayne Gandee

is employed at Do not know occupation

at 648 Jordan Creek Road, Elk View, W. Va. 27071

H. Defendant _____

is employed as _____

at _____

I. Any additional defendants _____

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheet if necessary).

1. The Prosecutor refused to prosecute (Mike Clifford), two named individuals who stole private property out of my home, as well as destruction of the same house, owned by me, in violation of Equal Protection of Law.
2. The Sherrif refused to investigate, (David Tucker) the destruction and theft of personal property of my home, for reason I am an inmate in state institution, violating Equal protection of law.
3. Loretta Simmons Gandee, stole personal property out of my home, and was cause of distruction of the house in question, that is my home.
4. Kevin Wayne Gandee assisted in the theft of my personal property, and distruction of my home, while I was/am incarcerated.
- (5) This has become personal injury to myself, and being discriminated against, by the county officia ls solely for the reason that I am incarcerated.

((Please See Exhibits Submitted Herein))

V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Wherefor Plaintiff humbly pray this Honorable Court to allow him to seek lawful reiteration, in injunctive, monitary, punitave and declatory reliefe against the named defendant's, for civil rights violations against Plaintiff, that was/is cause of physical injury.

Petitioner pray to the Honorable Court that the named defendants named in this action incur expenses of court cost, and expenses that this Plaintiff incurred as a result of having to take this action.

VI. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name: James William Berry Sr.

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes _____ No xx

If so, state the name(s) and address(es) of each lawyer contacted:

I have no funds to hire a lawyer

If not, state your reasons: I have no funds to hire a lawyer

C. Have you previously had a lawyer representing you in a civil action in this court?

Yes _____ No xx

If so, state the lawyer's name and address:

Signed this 6 day of September, 02.

Dennis B. Pauley
Signature of Plaintiff

Mount Olive Correctional Complex
One Mountainside Way
Mount Olive, West Virginia 25185-0001

Telephone: (304) 442-7213

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 06, 2002
(Date)

Dennis B. Pawley
Signature of Movant/Plaintiff

STATE OF WEST VIRGINIA
County of Fayette, to-wit:

Taken, sworn and subscribed before me this 6th day of September 2002.

Sheila Hosey
(Signature and Official Seal of Notary)



EXHIBIT (2)

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

03 JAN 14 PM 3:45

DENNIS GENE PAULEY,

Plaintiff,

v.

MIKE CLIFFORD, DAVID L. TUCKER,
LORETTA SIMMONS GANDEE,
and KEVIN WAYNE GANDEE,

Defendants.

Civil Action Number: 02-C-2343
Judge Jennifer Bailey Walker

DISMISSAL ORDER

The Court has considered Dennis Gene Pauley's Motion for Civil Action filed pursuant to the West Virginia Prison Litigation Reform Act (PLRA), West Virginia Code § 25-1A-1 *et seq.*, and other pertinent legal authorities. As a result of these deliberations, the Court has concluded this action is barred by the PLRA and hereby **DISMISSES** said action.

The PLRA defines 'civil action' as: "Any action or appeal from an action filed by any current or former inmate or his or her personal representative with respect to conditions of confinement, including, but not limited to, petitions for extraordinary writs, civil actions under 42 U.S.C. § 1983 and other federal and state laws and negligence actions." W.Va. Code § 25-1A-1(a). (emphasis added.)

The Complaint advances different claims against four individual defendants alleging 42 U.S.C. § 1983 violations. However, the Plaintiff's claims are not, either individually or collectively, cognizable claims under 42 U.S.C. § 1983. Nor do these claims relate, in any way whatsoever, to the conditions of Plaintiff's confinement. Thus, this is not a proper PLRA claim and the Court is clearly without jurisdiction to consider this action.

11050

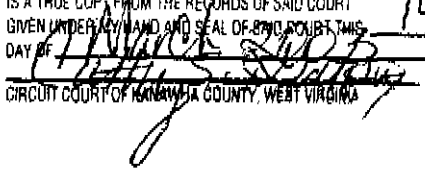
Wherefore, this Court **ORDERS**:

The above-styled action is hereby **DISMISSED** from the docket of this Court. The Circuit Clerk shall provide a certified copy of this Order to the Plaintiff. This is a Final Order.

Entered this 14th day of January, 2003.


JENNIFER BAILEY WALKER, Judge
Thirteenth Judicial Circuit

Date: 1-16-03
Certified copies sent to:
☒ Court of record
☐ Parties
☐ Other _____
(Please indicate)
By: ☒ Certified/1st class mail
☐ Fax
☐ Hand delivery
☐ Other (specify): _____
Other methods accomplished:
Handwritten
Circuit Clerk

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS
DAY OF March 2003

CATHY S. GATSON, CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

RECORDED :

CASE 02-C-2343

KANAMHA

DENNIS GENE PAULEY

vs. MIKE CLIFFORD, PROSECUTOR

LINE	DATE	ACTION
1	09/12/02	# CASE INFO SHEET: COMPLAINT W/EXH'S; MOT; FINANCIAL AFD; AFD
2	09/17/02	#MEMO TO WARDEN TO BILL INMATE FOR FILING FEE
3	12/03/02	# LET FR DENNIS PAULEY TO CLK DTD 12/2/02
4	01/15/03	# MIKE CLIFFORD & DAVID TUCKER'S MOT TO DIS & MEMO IN SUPP
5	01/16/03	= ORDER MAILED TO PLF, DFTS GANDEE, V. PLANAGAN; 1/14/03; LJ
6	01/14/03	FINAL ORDER ENTERED
7	01/21/03	# COV LET; P'S OBJ & RESP TO D'S MOT TO DIS W/MEMO IN SUPP W/COS
8	01/24/03	# COV LET; PRITITIONER'S MOT TO AMD OR ALTER JUDG W/MEMO OF
9		# AUTHORITY W/COS

EXHIBIT (3)

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

DENNIS GENE PAULEY
Plaintiff,

v.

Civil Action No: 02-C-2343
Judge Jennifer Walker

Mike Cliffore, Prosecutor, et al.
Defendants,

PLAINTIFFS' OBJECTION AND RESPONSE TO
DEFENDANTS MOTION TO DISMISS
WITH MEMORANDUM IN SUPPORT

To: Clerk of Court

January 15, 03

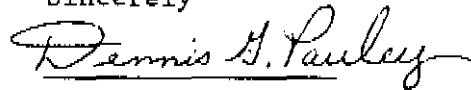
Re: Case NO:02-C- 2343

Dear Clerk:

Please find herein for filing Plaintiffs Objection and Response of
Defendants Motion for Dismissal, with certificate of service.

I thank you for your time and assistance in this matter, if you have
any questions please contact me.

Sincerely

A handwritten signature in cursive script that reads "Dennis G. Pauley". The signature is written in dark ink and is positioned above the printed name.

Dennis Gene Pauley pro se

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

DENNIS GENE PAULEY
Plaintiff,

v.

Civil Action No: 02-C-2343
Judge Jennifer Walker

Mike Cliffore, Prosecutor, et al.
Defendants,

PLAINTIFFS' OBJECTION AND RESPONSE TO
DEFENDANTS MOTION TO DISMISS
WITH MEMORANDUM IN SUPPORT

Comes now Plaintiff Dennis Gene Pauley, in pro se, with his Response and Objection, to Defendants Motion to Dismiss, Pursuant to Rule 12 (2) of the West Virginia Rules of civil Procedure.

Plaintiff herein uses Federal Law as support, in that his constitutional civil rights have been violated by Defendants, to taint his blood an property in violation of constitutional law. This is clearly defined United States Constitutional Law by the United States Supreme Court, that guarantees Plaintiff the rights violated of his 5th 6th, 8th and 14th amendment rights as well as the Constitution of the State of West Virginia in compliance with these guarantees, within the State Constitution, and its' statutes of law of the same. Plaintiff has a clear right to bring this to open court.

1. Plaintiff filed properly to the Honorable Court for summons to be served. Plaintiff Can not be held accountable for this inaction, out of his controller, nor can the Defendants be allowed to not be held accountable for their inactions, after written statement of facts was given to them from the start.

2. The Court has provided no counsel in this matter upon Plaintiffs filed complaint, Plaintiff is incarcerated , and the Defendants as well as the Honorable Court knows this as a fact, Therefor Plaintiff can not see that this is done while incarcerated, and the Court is obligated to protect this for Plaintiff under Fundamental Fairness statute of law.

3. Reason of good cause of no service, it the fact that the Defendant of this case is by statute of law the one the Court orders to serve a summons. This verified complaint is the equivalent of an opposing affidavit for summary Judgment and the allegations herein are based on personal knowledge. Daves v Zahradnick 600 F. 2d 458, 459-60 (4th Cir 1979).., holding that the factual allegations contained in a verified complaint establish a prima facie cause under 42 U.S.C §1983 so as to preclude summary judgment), According Williams v Adams, 935 F.2d. 960, 961-62 (8th Cir 1991).

Summary dismissal is appropriate only if there is no genuine issue as to any material fact, which as shown is not the case herein, Plaintiff's complaint Federal Civil Procedure 2465.1

Municipal Liability under §1983 deliberate indifference standard may be satisfied when municipality has actual or constructive notice that its actions or failure to act is substantially certain to result in Constitutional violation, and it consciously or deliberately chooses to disregard risk of harm, Barney v Pulsipher, 143 F. 3d 1301, 10. 206 (4). Plaintiff has given evidence that he personally gave defendants prior knowledge to these facts, prior to his filing.

[by their official capacities in accordance with Will v Michigan Department of State Police, 4912 U.S. 58 109 S. Ct 2304, 2311 n 10, 105 L. Ed. 2d 45 (1989), and holding personally by, Hafer v Melo, -U.S.-, 112, S. Ct. 358, 11 6 L. Ed. 2d 301 (1991).

Reasonable conduct is defined as conduct which " does not violate clearly established statutory or constitutional rights of which a reasonable person would have known", Harlo v Fitzgerald, 457, U.S. 800, 818, 102 S. Ct. 2727, 2738, 73 L.ED. 2d 396 (1982), by not having effective performance of their duties, Anderson, 438 U.S. at 639, 1075 S. Ct. at 3039 (quoting Davis v Scherer, 468 U.S. 183, 195, 104 S.

(1) Material fact or law has been overlooked in the decision. (2) The opinion is in conflict with a decision of the United States Supreme Court, this Court and other Courts of Appeals, and the conflict is not addressed in the opinion.as well as State Statutes. (3) The proceeding involves one or more question of exceptional importance,

Plaintiffs' verified complaint is the equivalent of an opposing affidaavit, (however in artful), it may be.This is a clear opposition for dismissal, with allegations therein. Plaintiffs' verified statement has established a prima facie cause under 42 U.S.C. § 1983 as to preclude any dismissal, Williams v Adams, F 2d 960 961-62 (8th Cir 1991)..

There is clear issue of dispute with the findings, that in contrast to Federal Rules of Civil Procedure (hereinafter F.R.Civ.P), Plaintiffs' civil rights to Clearly cause injury, as they have already, both physical and mental, while they have been allowed to get away with it,

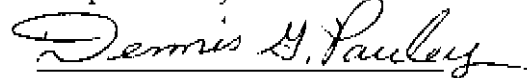
This has been unlawful and without lawful authority to overstep the lawful bounds of their job description Knowingly and with intent, as has been shown in Plaintiffs' state filings. This is in contrast to Forrester v White, 484 US 219 98 L ED 2d 555 108 S Ct 538 (1988), that shows even a judge does not have this kind of protection given to Defendnats.

This all is in contrast to law, and or seems that there are two separate sets of law. The analogy laws for Defendants and the Constitutional laws that have not applied to this Petitioner.

Plaintiff has the right to bring his case before open Court, for a jury to hear, as guaranteed by the Constitution of the United States fifth Amendment clearly states as well as many statutes of state and federal law.

The Honorable Court is obligated to provide the Plaintiff with Fundamental Fairness. Californial v Faombetta 4678 479 485 104 S. Ct 2528-2532-81 L Ed 2d 413 (1984).

Respectfully submitted

A handwritten signature in cursive script, reading "Dennis G. Pauley". The signature is written in dark ink and is positioned below the typed name "Dennis G. Pauley".

Dennis Gene Pauley pro se

CERTIFICATE OF SERVICE

Now comes the Plaintiff, Dennis Gene Pauley. , in Proper Persona, hereby pursuant to the provisions of Rule 5(b) of the Federal Rules of Civil Procedure, hereby certifies that on the 15th day of January, 2003 he served the foregoing and hereto-appended Plaintiffs Response and Objection of Defendants Motion for Dismissal upon the defendant's by through their counsel of records depositing a true copy thereof in the facilities of the United States Postal Service, postage prepaid, in an envelope addresses to him/her as follows:

Pullin, Flower & Llanagan, PLLC.
Mr. JVictor Flaggan, Cy A. Hill Jr.
Attorney at Law
1000 Bank One Center
707 Virginia Street, East
Charleston, W. Va. 25301

Done this 15th day of January, 2003.

Respectfully;
Dennis G. Pauley
Dennis Gene Pauley pro se

CC File

EXHIBIT (4)

PETITIONER'S

U.S.C § 1983

CIVIL EXHIBIT

TO; Prosecutor of Kanawha County.
Mr. Mike Clifford, Prosecutor,
111 Court St.
Charleston, W. Va. 25301

From. Mr. Dennis Gene Pauley
Box 5 Pine Hall
1 Mountainside Way
Mount Olive, W. Va. 25185

Re: Stolen property/ destruction of property / destruction of private dwelling.

January 29, 2002

Dear Mr. Clifford:

I am coming to you for the fact that you are the Prosecutor for Kanawha County, and I am presently an inmate at Mount Olive Correctional Complex.

I wish for you to file criminal charges on behalf of myself, for grand larceny and destruction of my personal property. I will explain just what has just been made known to me, and the facts prior to this.

I had allowed my girlfriend to live in my house, her name is Loretta Gandee, from 1998 to 2000. She did not own any of the household items in my home.

I allowed her to live there for the reason she is the mother of my child, however at no time did she have possession of my property within the house, only the use of it.

Gandee is her now married name, for she married and moved out of my home. However they decided to unlawfully take my property and set themselves up at housekeeping. This itself is grandlarceny of of my house-hold property as listed.

Not only did they steal my property, they also destroyed my house. My son has taken pictures of this and is suppose to also take video of it.

I do not know their address, but I do have the address of her now mother-in-law, it is 648 Jordan Creek Rd. Elkview, W. Va. 25071.

My home is a six room house in Tornado, the address is HC-65 Box 376 Tornado, W. Va. 25202.

Along with this I am sending you other exhibits that support this. I am requesting that warrants for grand larceny and destruction of my home be issued

against Loretta Gandee and Kevin Wayne Gandee, as is my right guaranteed by the Constitution of the United States to equal protection of law.

Respectfully submitted

Dennis G. Pauley

Dennis Gene Pauley pro se

List of My Stolen Property from My Home

1 Main Bedroom

- | | |
|--------------------|--------------------|
| 1. King Size bed | 7. Nick Nacks |
| 2. Ward Robe | 8. Gass Heater |
| 3. Chester Drawers | 9. Two Table Lamps |
| 4. Roll Back Desk | 10. Wall Shelves |
| 5. Stand | 11. Wall Clock |
| 6. Pictures | 12. Throw Ruggs |

2. Living Room

- | | | |
|----------------------------|--------------------------------|---------------------|
| 1. Sofa and matching chair | 6. End Tables | 11. Carpet |
| 2. Coffee Table | 7. Nick Nacks | 12. Air Conditioner |
| 3. Pole Lamp | 8. Room Heater Gass | 13. Throw Rugs |
| 4. 25" TV with remote | 9. Fisher Stereo with speakers | |
| 5. Wall Pictures | 10. Three table Lamps | |

3. Back Bedroom

- | | |
|--------------------|----------------------|
| 1. Queen sized bed | 5. Heating Stove Gas |
| 2. End Tables | 6. One table Lamp |
| 3. Ward Robe | 7. Throw Ruggs |
| 4. Wall Pictures | |

4. Kitchen

- | | |
|-----------------------------|------------------|
| 1. Refrigerator | 5. Wall Clock |
| 2. Cooking stove Gas | 6. Lamp Kerosene |
| 3. Kitchen Table and Chairs | 7. Throw rugs |

4. Cabinets on walls

8. Double bowel sink

9. Microwave

5. Laundry room

1. Washer and drier

6. Wash basin

2. Hot water tank

7. Commode

3. Cabinet on wall

8. Wall pictures

4. Heating stove

9. Built in Medical cabinet

5. Bathtub with shower

10. Throw rugs

6. Storage Room

1. Half Bed

5. Personal items

2. End tables

6. Pictures Albums

3. Office Desk

7. Throw rugs

4. Electric Heater

7. Outbuilding

1. Farm tools

2. Weed eater

3. Lawn Mower

4. Other items in shed.

Vacuum Cleaner

Porch Swing

(Gold Chain) with 1-Tone (Gold Cross)
\$399.00 \$199.00

Photo Album

Pink Jewelry Box
Items inside Per
A Gold Rollx Watch
A Gold Pocket Watch
and Other Priv

WINDOWS BROKEN OUT OF HOUSE.

GENERAL INFORMATION

My trial was February 22 through 24 of 1999, Loretta was still living in my house when she applied for a marriage license between Sept 20 and Oct 12, 1999.

Loretta actually lived in my home from Dec. 5, 1997 until her and her husband moved out and stole my household goods, plus destroying my house. We Lived together in my home approx. six months with my daughter, by her.

My son met with Loretta Gandee face to face, she told him that she had burnt my property up.

I gave my consent for Lon Rodney Pauley, my "Son" to go out to my house on Thomas Hollow Road Box 376 Tornado, W. Va 25202, to check and see what was missing, and what they had taken from my house.

She is not was not my wife, an ex-girlfriend prior to my incarceration.

My sons Lon Rodney and Mark Pauley are making record of the damages and amount of theft from my home by Loretta Simmons Gandee and Kevin Gandee. They "MY SONS" also have my power of attorney on this matter.

I will take civil actions as the result of this as will as the criminal charges I am filing with the Prosecuting Attorney of Kanawha County, against Loretta and Kevin Gandee.

The Address I have for them is not theirs but the mother of Kevin Gandee, Betty Gandee, at 648 Jordan Creek Rd, ELKVIEW, W. Va. 25071

TO; Prosecutor of Kanawha County.
Mr. Mike Clifford, Prosecutor,
111 Court St.
Charleston, W. Va. 25301

From. Mr. Dennis Gene Pauley
Box 5 Pine Hall
1 Mountainside Way
Mount Olive, W. Va. 25185

Re: Stolen property/ destruction of property / destruction of private dwelling.

February 4, 2002

Dear Mr. Clifford:

I am coming to you again with another letter, in that I have been informed that the Sheriff will not investigate, and or make a report on my stolen property, in Kanawha County.

I have been informed that, supposably she has the right to steal my property. The only reason I let her live in my home, was the fact she had my child. Not one thing in the house belonged to her, she was suppose to take care of it for me, not steal it.


Further I gave her 350 dollars to repair the bridge to my home, She was suppose to have gotten someone to jack it up, This was never done, nor was the monies spent for the purpose I gave it to her.

I have the same rights as anyone else in the county, where my home and property are concerned. The sheriff has no right to state what he has, and refuse to fill out a report on this. He does not have the jurisdiction to give my property to anyone, and this seems to be what he is claiming, by stating she has the right to do as she pleases with what does not belong to here.

If I can not get any help on this matter, I will file a Federal complaint of civil rights violations, by the county and the Sheriff, on this matter. It is clear civil rights violations.

I would appreciate your help in this matter, I am also sending a copy of this to the Sheriff, in that I will give him a second chance to act on this matter. Thank you for your time and assistance.

Yours Truly

A handwritten signature in cursive script that reads "Dennis G. Pauley". The signature is written in dark ink and is positioned below the typed name "Dennis G. Pauley".

Dennis G. Pauley pro se

GENERAL POWER OF ATTORNEY

I, Dennis Gene Pauley, residing at One Mountainside Way, Mount Olive West Virginia, do hereby appoint Lon Rodney Pauley, of 6522 MacCorkle Avenue St.Albans, West Virginia 25177, as my Agent, To Act in my name and place, and for my benefit and on my behalf with authority to do the following:

1) Take any and all legal steps necessary to collect and information concerning my daughter Denise Dawn Pauley of 648 Jordan Creek Rd., Elkview West Virginia 25071.

2) Take care of and take physical control of any of my Personal Property as instructed in any sworn Affidavit.

This Power of Attorney is limited to a any and all legal affairs concerning my daughter, which pacifically limited to the Court house, Prosecuting Attorney and to the Department of Health and Human Resources. The named agent is instructed to obtain information or other documents from the named agencies, on my behalf, further;.,

This Power of Attorney is not pacifically limited to any Court action, which Dennis Gene Pauley may initiate in the future, but to obtain documentation and other relevant evidence that may be obtained for further legal actions and to act upon my behalf just as if I was there and acting in person.

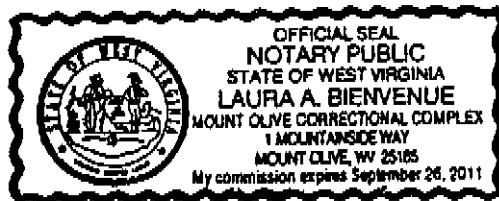
If any provision or part of this Power of Attorney shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue effective until my death; provided, however, that this Power of Attorney may be revoked by me at any time by providing notice to the Agent.

Dated: 12-26 2001, at Mount Olive Correctional Complex,
One Mountainside Way, Mt. Olive WV 25185.

Dennis G. Pauley
Dennis Gene Pauley

STATE OF WEST VIRGINIA
COUNTY OF FAYETTE:

On this 26 day of December 2001, before me, the undersigned
Dennis Gene Pauley to me known or to me proved to be the identical person
named in and who executed the above POWER OF ATTORNEY, and acknowledge that
such person the same as such person's voluntary act and deed.



NOTARY SEAL

[Signature]
Notary Public

AFFIDAVIT
OF
DENNIS G. PAULEY

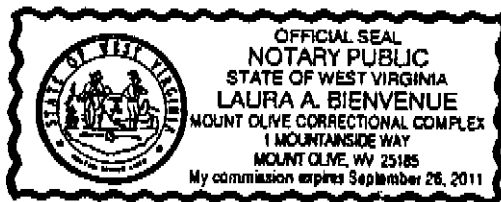
I, Dennis G. Pauley, was informed by my son, Mark Twain Pauley, met Loretta Gandee in person and upon such contact she informed him that she burnt the largest part of my personal property.

Learning of such acts, I am giving my Son full consent to go over to my home at Thomas Hollor Road, Box 376, Tornado, WV 25202 to investigate the truthfulness of such information, and take video tape of the home and any destroyed property. If such does show to be true, if he believes there is any criminal act, or arson, he is given full leverage to turn such acts over to the local fire marshal for proper action as they deem appropriate.


Dennis Gene Pauley

STATE OF WEST VIRGINIA
COUNTY OF FAYETTE:

On this 26 day of December 2001, before me, the undersigned Dennis Gene Pauley to me known or to me proved to be the identical person named in and who executed the above POWER OF ATTORNEY, and acknowledge that such person the same as such person's voluntary act and deed.



NOTARY SEAL


Notary Public

I Dennis G. Pauley and Loretta Simmons
give my consent for Donald G. Pauley - 428
Flat Creek, Alkol W.Va. 25501 304-524-21
to keep our daughter- Denise Dawn Pauley
and raise her if eather one of us cant
raise her. And eather one of us will
not enter fear.

Sign Dennis G. Pauley
Dennis G. Pauley

Sign Loretta Simmons
Loretta Simmons

Notary Treva Martin 11-24-98

Signatures only



OFFICIAL SEAL
Notary Public, State of West Va.
TREVA MARTIN
Mingo Co. Public Library
P.O. Box 57
Delbarton, WV 26670
My commission expires December 31, 2001

Sir:

I Dennis G Pauley come to you with this matter in your hands. I broke up with Loretta Simmons in 1995. She was living in Elkview with Charles Kidd. He broke up with her and she was living in his trailer, with my daughter, paying him \$175.00 a month in rent. I found out about this, so I asked her to move into my house and watch over it, all she had to do was pay the taxes. I did this because she had my daughter.

She moved into my home Dec 5, 1997. I was tried Feb. 22 through 24th 1999 and was sent to prison July 27th 1999.

I told Loretta Simmons that at this time she could move on with her life, we were not going to get back together. I had moved out and was living in St Albens, while she was living in my home, We were not involved at the time, and this was done only because of my daughter, When I told her to move on, she did an placed an add in the paper for a mate. The first one that came along she married. Loretta is now Mrs Kevin Gandee of Elkview.

When she left my home, she took all my property out of the house I allowed her to live in. " She did not have permission to take my household furnishings, and used it to start housekeeping with Mr. Gandee," now this was my personal property she took, that she had no claim to.

It was not right for her to take my property, to set herself and her husband up with, when she had no claim to any of it. I had this property from a prior marriage.

If and when I am released from prison, by her action I have nothing left, the windows were even broken out of my house, when she moved out, as well as the whole house being trashed.

It is clear that she was not my girlfriend at the time nor wife, while she was living in my home. I was not living with her, but gave her a place to

stay with my daughter. I now find out she is trying to sell the house, because I had it put in my daughters name. Denise Dawn Pauley, I had this done so no one can touch it until she turned 21 years of age.

My home is lot 63-64 that ~~Denise~~ ^{Dennis} Gene Pauley lives at until his death, this is in the deed made out to my daughter Denise Dawn Pauley. The lawyer that drew this up was Page Hamrick III in Charleston. It was Elwood S. Crawfords' home until his death in 1995, at Tornado, W. Va.

Now Loretta is trying to sell it to Garry Medley of Thomas Hollow Road in Tornado. The address of my home is Box 376 Tornado W. Va. 25202

I thank you for reading this letter and whatever assistance I might get from you.

Yours truly
Dennis G. Pauley #26440
Dennis G. Pauley # 26440
M.O.C.C. Box 5
1 Mountainside Way
Mt. Olive, W. Va. 25185

IN THE CIRCUIT COURT OF KANAWHA COUNTY
CHARLESTON

Dennis Gene Pauley,
Petitioner,

v

Case No 97-F-111

Howard Painter, Warden,
Respondent,

FILED
01 SEP 25 PM 3:00
ML

WRIT OF MANDAMUS

Comes now Petitioner Dennis Pauley with his Writ of Mandamus, directing the Honorable Court to file with the Clerk of Court, an Order Resending it's previous Order.

1. Petitioner On May 4th, 1998 was given by the Court, Order to stay away from all children while on bond.
2. Petitioner's natural daughter was not involved with any of the alleged claims against the Petitioner.
3. The Order was imposed for the time Petitioner was on Bond.
4. Petitioner's natural daughter's mother was not and is not wife to Petitioner.

Petitioner herein submits his Writ Of Mandamus for the reasons as follows.

Petitioner is the natural father of Denise Dawn Pauley, who is the daughter of Loretta Simmons, who is now Loretta Gandee.

Petitioner has not been allowed to see or communicate with his natural daughter since his bond order, in that it has went past the scope that it was intended for, "the period of his bond" . There has been no communication aloud between the Petitioner and his daughter, that she had nothing to do and was not involved in.

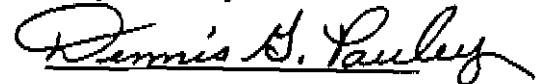
Petitioner is entitled to be visited by his daughter, as long as she is accompanied by her guardian, at Mount Olive Correctional Center. Mount Olive has staff that closely monitors all visitation. To deprive both Petitioner and his daughter visitation rights is very detrimental to both.

The alleged victim of this case lives in another state.

My natural daughters mother thinks that the Order is still in place and due to it I am not allowed to see my daughter.

I pray the Honorable Court to grant this Writ , so that I can see my daughter, and to send copy to Mount Olive Correctional Center as well as to Loretta Gandee, 648 Jordan Creek Rd. Elkview W. Va. 25071

Respectfully submitted

A handwritten signature in cursive script, reading "Dennis G. Pauley". The signature is written in dark ink and is positioned above the printed name.

Dennis Gene Pauley

pro se

CIVIL CASE INFORMATION STATEMENT
CIVIL CASES
(Other than Domestic Relations)

In the Circuit Court, KANAWHA County, West Virginia

I. CASE STYLE:

Plaintiff(s)

DENNIS GENE PAULEY
Box 5- ONE MOUNTAIN Side Way
Mt. Olive WV 25185

Case # 97-F-111-Candy
Judge: (U-MISC-386) King
FILED
APR 25 2003
PJI 3:26

vs.

Defendant(s)

Howard Painter, Warden
Box 5 1 Mountainside Way
Street
Mt Olive W.Va. 25185
City, State, Zip

Days to
Answer

Type of Service

30 U.S MAIL
GA

Street

City, State, Zip

Street

City, State, Zip

Street

City, State, Zip

IN THE Circuit COURT OF KANAWHA COUNTY, WEST VIRGINIA

DENNIS GENE PAULEY v. HOWARD PAINTER WARDEN
Plaintiff Defendant or Respondent

Case No. 97-F-111

AFFIDAVIT OF INDIGENCY AND APPLICATION:
ELIGIBILITY FOR WAIVER OF FEES, COSTS, OR SECURITY IN A CIVIL CASE

A. Information for the Applicant:

1. You will be allowed to file and carry on your civil proceeding without giving security or paying fees or costs that would otherwise be required, if the court finds that you meet the official financial guidelines.
2. You must file a separate affidavit and application anytime your financial situation no longer meets the official guidelines or anytime the court orders you to do so.
3. At any time you may request or the court may require review of your eligibility for a waiver, and at any time the court may require you to pay fees or costs previously waived or to pay future fees or costs.
4. When you sign this form, you will have to swear or affirm that you have completely and truthfully provided all information sought, to the best of your knowledge and ability. *If you knowingly give any incomplete and/or false information, you may be prosecuted for the crime of false swearing.*
5. The information you give in this form will be confidential only in a domestic violence or a divorce case.
6. Except for signatures, all information must be clearly printed.

B. Information about You and Your Case:

- 1a. Name: DENNIS GENE PAULEY
 - b. Telephone Number: _____
 - c. Address Box 5, Mountain Side Way, Mt Olive, W. Va 25185
2. Describe what is involved in your case: Sexual assault of alleged victim
living out side of W. Va.

6a. List all real estate (houses, lots, land, rental property, other commercial property) that you or your household members own: NONE

b. What is the total value of these items? \$ 0

7. What would the consequences be for you if a waiver of fees, costs, or security is denied? INDIGENT INMATE, would be denied due process

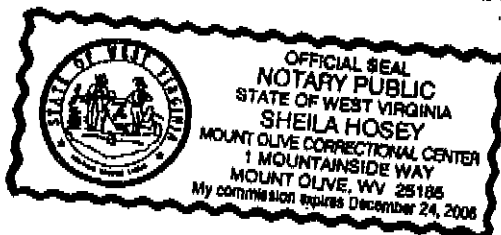
of having an Order Recended, that CAN NOT apply

By signing my name on this form, I swear to or affirm: (1) the completeness and truthfulness, to the best of my ability and knowledge, of the information I have provided and (2) my belief that I have a right to a waiver.

Signature of Affiant-Applicant: Debbie R. R. R.

Taken, subscribed, and sworn or affirmed before me, by the person whose signature appears above, on this 24 day of September in Fayette County, West Virginia.

Signature of Notary (Clerk or Deputy Clerk): Sheila Hosey



For Court Use Only

The affiant's application for a waiver is (clerk: initial one) granted denied.

Date: 9-25-01

Signature of Clerk or Deputy: [Signature]

Murri Edward Kirk, 58, and Mary Margaret Horvath, 64, both of Cedar Grove.
 Matthew Lee Coffman, 21, and Rhonda Gail Nelson, 25, both of St. Albans.
 Duane Guy Atkins, 67, and Bertha Denise Hayes, 48, both of Charleston.
 Allen Ray Williamson II, 22, and Stacey Leigh Diamond, 21, both of Marmet.
 Aaron Gabriel Paxton, 22, and Mandy Renee Seldomridge, 24, both of South Charleston.

Charles Walter Pace Jr., 26, and Tiffany Danielle Arthur, 23, both of Charleston.

Keith Lafon Brandon, 27, and Diana Kay Boggess, 21, both of Charleston.

Donald Charles Crisco, 45, and Carmen Sclavi Morton, 47, both of Charleston.

Murray Eugene Holt II, 31, of Nitro and Kelly Anne Cooley, 37, of Charleston.

John Andrew Eggleton, 75, of Marmet and Elizabeth Ann Christian, 64, of Charleston.

Douglas Keith Means II, 19, and Kimberly Dean Goodall, 19, both of Charleston.

Jerry Allen Myers, 51, and Susan May Vaughan, 47, both of South Charleston.

Leroy Edman Booth Jr., 27, and Geneva Gail Turner, 22, both of Charleston.

Donald Elmore Staats, 59, and Kimberly Ann Hudson, 41, both of Charleston.

Gary Wayn Price Jr., 23, and Erica Dawn Cooper, 21, both of Cedar Grove.

Steven Michael Soblit, 19, and Shannon Dawn Taylor, 22, both of Charleston.

John Scott Hackworth, 24, and Natalie Jo Ford, 23, both of Glasgow.

David Michael Johnson, 35, of Cabin Creek and Valerie Lynn Hill, 26, of South Charleston.

Kevin Wayne Gander, 31, and Loretta May Simmons, 30, both of Elkview.

Jack Allan Olson, 45, of Coudersport, Pa. and Blair Platt Johe, 47, of Bradford, Pa.

Ronald Lee Coon Jr., 28, and Dawn Michelle Taylor, 25, both of Dunbar.

Christopher Nial Gregory, 22, and Leisa Dawn Rhodes, 28, both of Clendenin.

Jefferey Shanon Carper, 23, and Mindy Marie Nichols, 19, both of Charleston.

Thomas Dale Camp Jr., 20, and Sarah Marie Harpold, 17, both of South Charleston.

ton

1999

mentally challenged individual
 I hold this to be a

ave